

Development Code Amendment Handbook

Contents

Introduction	2
A. Building Height in Higher Density Districts	3
B. Conceptual Plan	15
C. Cottage Court Pattern	19
D. Protected Neighborhood Transition Wall	20
E. Street Blocks and Connectivity	21
F. Use Standards Update	23
G. Bicycle Parking Requirements	26
H. Sign Regulations	28
I. Impervious Surface Setback Associated with a Stream Buffer	30
J. Nonconforming Situations Resulting from Government Action	33
K. Clarification on the Applicability of Certain Sections	34
L. Minor Miscellaneous Corrections	35
M. Outdoor Amenity Space (OAS)	39

Development Code – Second Major Amendment

Last update: 11/06/2018

Introduction

This second major amendment comes over a year since the adoption of the Development Code. The first major amendment that occurred approximately six months after the adoption, as it was agreed upon at the hearing, proposed changes to key components of the Code, such as the lot coverage and grading in setbacks in single-family districts. This current amendment consists of minor error corrections (we still missed a few in April!) and other changes that are not anticipated to generate much discussion.

In the last pages are listed some proposed modifications to the outdoor amenity space requirements, however a recommendation will be asked from Planning Commission at their November meeting, and a vote from Mayor and Council in December only.

Public Hearings

Original approval of the Development Code: August 15, 2017

First major amendment: April 17, 2018

Planning Commission: October 23, 2018

Mayor and Council: November 20, 2018

Until the vote at the November meeting, nothing is decided.

Public Comments

Comments and suggestions are welcome. They can be submitted via email at pz@sandyspringsga.gov, up to 10 calendar days prior to the hearings, or in person at the hearings.

Legend

Text in brackets and italic font are formatting instructions: *[example]*

Text to be removed is crossed-through: ~~example~~

Replaced and added text is in bold: **example**

Changes incorporated after the 10/23 Planning Commission are in dark orange

A. Building Height in Higher Density Districts

In certain zoning districts, the maximum building height expressed in feet cannot accommodate realistically the maximum number of stories. As an example, in PM-8 the maximum height of 100' would result in an average story height of 12.5', which is not typical in office buildings. The proposed amendments base the minimum height on ground floors to 12' for residential use and 14' for nonresidential use. – t hese values are commonly used in the design and construction industry.

The maximum height calculated in feet is proposed to be removed since it is difficult to enforce (in our region, the ground is rarely evenly flat across a façade) and buildings are generally constructed at the minimum height possible to reduce cost.

In protected neighborhood transitions (Sec. 6.4), a maximum height is maintained. However, because in many districts nonresidential uses are allowed in the compatible massing, the proposed maximum height could be changed to 28'. Staff understands the sensitivity of this suggestion and remains open for discussion.

There are no changes proposed to RE-, RD-, RU-, or RT- districts.

Planning Commission Recommendation (10/23/2018)

After public comment and discussion, the Planning Commission decided to defer this matter for a month, to allow Staff to propose some way of controlling total building height in feet.

Members of the public were concerned that buildings could be built at excessive height despite meeting the maximum number of stories, and over tower nearby residential properties.

Motion to Recommend:	First, Second	Vote
Denial	Nickles, Johns	2-3 – motion failed Opposed: Kelly, Porter, Settles
Deferral to next month's meeting, Staff to proposed max heights	Settles, Kelly	4-1 Opposed: Porter

Therefore the proposed amendments below will not be discussed by Mayor and Council until December 18, 2018.
Click here to jump to the next topic: [Conceptual Plan](#).

Proposed amendments:

Code Section	Parameter	Current Regulations	Proposed Regulations
3.4.3 Residential Multi-Unit (RM-) Height and Mass	Building Height A- Base: maximum height		
<i>[Update illustration to remove letter "D" and leader, replace letter "E" with "D"]</i>	RM-3	3 stories/ 40' max	3 stories max
	Within a transition area	2 stories/24' max	2 stories/24' max
	Bonus: maximum height*		
	RM-3	No bonus allowed	No bonus allowed
	RM-3/8	8 stories/ 100' max	8 stories max
	Story Height		
	B- Ground floor elevation	2' min/5' max	2' min/5' max
	C- Ground story	11' min	12' min
	[remove line] D- Upper story	10' min	
	Building Mass <i>[replace letter "E" with "D"]</i> D- Street-facing building length	200' max	200' max
3.5.3 Residential Mixed Use (RX-) Height and Mass	Building Height A- Maximum height		
	RX-3	3 stories/ 40' max	3 stories max
	RX-4	4 stories/ 50' max	4 stories max
	RX-5	5 stories/ 60' max	5 stories max
	Within a transition area	2 stories/24' max	2 stories/24' max
	Story Height		
	B- Ground floor elevation, residential	2' min/5' max	2' min/5' max
	Ground floor elevation, nonresidential	0' min/2' max	0' min/2' max
	C- Ground story, residential	11' min	12' min

<i>[Update illustration to remove letter "D" and leader, replace letter "E" with "D"]</i>	Ground story, nonresidential	14' min	14' min
	[remove line] D- Upper story	10' min	
	Building Mass <i>[replace letter "E" with "D"]</i> D- Street-facing building length	200' max	200' max
4.2.3 Office Neighborhood (ON-) Height and Mass	Building Height A- Maximum height		
	ON-3	3 stories/ 40' max	3 stories max
	Within a transition area	2 stories/24' max	2 stories/ 28' max
	Story Height B- Ground floor elevation	2' min/5' max	2' min/5' max
	C- Ground story	14' min	14' min
	[remove line] D- Upper story	10' min	
	Building Mass <i>[replace letter "E" with "D"]</i> D- Street-facing building length	300' max	300' max
4.3.3 Office Mixed Use (OX-) Height and Mass	Building Height A- Maximum height		
	OX-3	3 stories/ 40' max	3 stories max
	OX-4	4 stories/ 50' max	4 stories max
	OX-5	5 stories/ 65' max	5 stories max
	OX-6	6 stories/ 75' max	6 stories max

<i>[Update illustration to remove letter "D" and leader, replace letter "E" with "D"]</i>	OX-8	8 stories/ 100' max	8 stories max
	Within a transition area	2 stories/24' max	2 stories/ 28' max
	Story Height		
	B- Ground floor elevation, residential	2' min/5' max	2' min/5' max
	Ground floor elevation, nonresidential	0' min/2' max	0' min/5' min
	C- Ground story, residential	11' min	12' min
	Ground story, nonresidential	14' min	14' min
	[remove line] D- Upper story	10' min	
	Building Mass <i>[replace letter "E" with "D"]</i> D- Street-facing building length	300' max	300' max
4.4.3 Commercial Mixed Use (CX-) Height and Mass	Building Height		
	A- Maximum height		
	CX-3	3 stories/ 40' max	3 stories max
	Within a transition area	2 stories/24' max	2 stories/ 28' max
	Story Height		
	B- Ground floor elevation, residential	2' min/5' max	2' min/5' max
	Ground floor elevation, nonresidential	0' min/2' max	0' min/2' max
	C- Ground story, residential	11' min	12' min
	Ground story, nonresidential	14' min	14' min
	[remove line] D- Upper story	10' min	
<i>[Update illustration to remove letter "D" and</i>	Building Mass <i>[replace letter "E" with "D"]</i> D- Street-facing building length	300' max	300' max

<i>leader, replace letter “E” with “D”]</i>			
4.5.3 Shopfront Mixed Use (SX-) Height and Mass	Building Height A- Maximum height		
	SX-3	3 stories/ 40’ max	3 stories max
	SX-4	4 stories/ 55’ max	4 stories max
	SX-6	6 stories/ 85’ max	6 stories max
	Within a transition area	2 stories/24’ max	2 stories/ 28’ max
	B- Minimum height	2 stories min	2 stories min
	Story Height		
	C- Ground floor elevation	0’ min/2’ max	0’ min/2’ max
	D- Ground story	15’ min	14’ min
	<i>[remove line]</i> E- Upper story	10’ min	
	Building Mass <i>[replace letter “F” with “E”]</i> E- Street-facing building length	300’ max	300’ max
<i>[Update illustration to remove letter “E” and leader, replace letter “F” with “E”]</i>			
4.6.3 Transit Mixed Use (TX-) Height and Mass	Building Height A- Maximum height		
	TX-4	4 stories/ 55’ max	4 stories max
	TX-6	6 stories/ 85’ max	6 stories max
	Within a transition area	2 stories/24’ max	2 stories/ 28’ max
	B- Minimum height	2 stories min	2 stories min
	Story Height		
	C- Ground floor elevation	0’ min/2’ max	0’ min/2’ max
	D- Ground story	15’ min	14’ min
	<i>[remove line]</i> E- Upper story	10’ min	
	Building Mass		

<i>[Update illustration to remove letter "E" and leader, replace letter "F" with "E"]</i>	<i>[replace letter "F" with "E"]</i> E- Street-facing building length	150' max	150' max
4.7.3 City Springs (CS-) Height and Mass	Building Height A- Maximum height		
	CS-3	3 stories/ 40' max	3 stories max
	CS-4	4 stories/ 55' max	4 stories max
	CS-5	5 stories/ 70' max	5 stories max
	CS-6	6 stories/ 85' max	6 stories max
	Within a transition area	2 stories/24' max	2 stories/ 28' max
	B- Minimum height	2 stories min	2 stories min
	Story Height		
	C- Ground floor elevation, residential	2' min/5' max	2' min/5' max
	Ground floor elevation, nonresidential	0' min/2' max	0' min/2' max
	D- Ground story, residential	11' min	12' min
	Ground story, nonresidential	14' min	14' min
	<i>[remove line]</i> E- Upper story	10' min	
	Building Mass <i>[replace letter "F" with "E"]</i> E- Street facing building length	200' max	200' max
4.8.3 Industrial Mixed Use (IX-) Height and Mass	Building Height A- Maximum height		
	IX-3	3 stories/40' max	3 stories max
	Within a transition area	2 stories/24' max	2 stories/ 28' max
	B- Ground floor elevation, residential	2' min/5' max	2' min/5' max
	Ground floor elevation, nonresidential	0' min/2' max	0' min/2' max

<i>[Update illustration to remove letter “D” and leader, replace letter “E” with “D”]</i>	Story Height		
	C- Ground story, residential	11’ min	12’ min
	Ground story, nonresidential	14’ min	14’ max
	[remove line] D- Upper story	10’ min	
	Building Mass		
	[replace letter “E” with “D”] D- Street facing building length	300’ max	300’ max
4.9.3 Commercial Corridor (CC-) Height and Mass			
	Building Height		
	A- Maximum height		
	CC-3	3 stories/ 40’ max	3 stories max
	Within a transition area	2 stories/24’ max	2 stories/ 28’ max
	Story Height	2’ min/5’ max	2’ min/5’ max
	B- Ground floor elevation, residential		
	Ground floor elevation, nonresidential	0’ min/2’ max	0’ min/2’ max
	C- Ground story, residential	11’ min	12’ min
	Ground story, nonresidential	14’ min	14’ max
	[remove line] D- Upper story	10’ min	
	Building Mass		
<i>[Update illustration to remove letter “D” and leader, replace letter “E” with “D”]</i>	[replace letter “E” with “D”] D- Street facing building length	300’ max	300’ max
5.3.3 Perimeter Mixed Use, Low/Mid-Rise (PX-)	Building Height		

Height and Mass	A- Maximum height		
	PX-3	3 stories/40' max	3 stories max
	PX-5	5 stories/70' max	5 stories max
	PX-8	8 stories/100' max	8 stories max
	PX-12	12 stories/170' max	12 stories max
	B- Minimum height		
	PX-3, PX-5	2 stories min	2 stories min
	PX-8	4 stories min	4 stories min
	PX-12	6 stories min	6 stories min
	<i>[insert lines]</i> Story Height C- Ground floor elevation D- Ground story		0' min/2' max 14' min
<i>[Update illustration to replace letter "C" with "E", add letters "C" and "D" with leaders]</i>	Building Mass <i>[replace letter "C" with "E"]</i> E- Street-facing building length	300' max	300' max
5.4.3 Perimeter Mixed Use, High-Rise (PX-) Height and Mass	Building Height A- Maximum height		
	PX-10/12	10 stories/140' max	10 stories max
	PX-20/35	20 stories/280' max	20 stories max
	B- Bonus: maximum height*		
	PX-10/12	12 stories/170' max	12 stories max
	PX-20/35	35 stories/500' max	35 stories max
	C- Minimum height	6 stories min	6 stories min
	<i>[insert lines]</i> Story Height C- Ground floor elevation D- Ground story		0' min/2' max 14' min

<i>[Update illustration to replace letter “F” with “E”, add letters “C” and “D” with leaders]</i>	Building Mass <i>[replace letter “F” with “E”]</i> E- Street-facing building length	300’ max	300’ max
5.5.3 Perimeter Medical (PM-) Height and Mass	Building Height A- Maximum height		
	PM-5	5 stories/70’ max	5 stories max
	PM-8	8 stories/100’ max	8 stories max
	PM-12/15	12 stories/170’ max	12 stories max
	PM-20/35	20 stories/280’ max	20 stories max
	B- Bonus: maximum height*		
	PM-12/15	15 stories/220’ max	15 stories max
	PX-20/35	35 stories/500’ max	35 stories max
	C- Minimum height		
	PM-5	2 stories min	2 stories min
	PM-8	4 stories min	4 stories min
	PM12/15, PM20/35	6 stories min	6 stories min
	<i>[insert lines]</i> Story Height D- Ground floor elevation E- Ground story		0’ min/2’ max 14’ min
	Building Mass F- Street-facing building length	300’ max	300’ max
<i>[Update illustration to replace letter “F” with “E”, add letters “C” and “D” with leaders]</i>			

Code Section	Current Regulations	Proposed Regulations
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5.6.2. Perimeter Center Frontages Standard (-ST)	<p>Story Height G- Ground floor elevation 0' min/2' max H- Ground story I- Upper story</p> <p>Pedestrian Access J- Entrance facing street Entrance spacing along street</p>	<p><i>[delete lines]</i></p> <p>Pedestrian Access G- Entrance facing street Entrance spacing along street</p> <p><i>[update illustration to remove letters "G","H","I" and leaders, replace letter "J" with "G"]</i></p>
5.6.3. Perimeter Center Frontages Urban Limited (-UL)	<p>Story Height G- Ground floor elevation 0' min/2' max H- Ground story I- Upper story</p> <p>Pedestrian Access J- Entrance facing street Entrance spacing along street</p>	<p><i>[delete lines]</i></p> <p>Pedestrian Access G- Entrance facing street Entrance spacing along street</p> <p><i>[update illustration to remove letters "G","H","I" and leaders, replace letter "J" with "G"]</i></p>
5.6.4. Perimeter Center Frontages Urban General (-UG)	<p>Story Height G- Ground floor elevation 0' min/2' max H- Ground story I- Upper story</p> <p>Pedestrian Access J- Entrance facing street K- Entrance spacing along street</p>	<p><i>[delete lines]</i></p> <p>Pedestrian Access G- Entrance facing street H- Entrance spacing along street</p> <p><i>[update illustration to remove letters "G","H","I" and leaders, replace letters "J" with "G" and "K" with "H"]</i></p>

<p>5.6.5. Perimeter Center Frontages Shopfront (-SH)</p>	<p>Story Height G- Ground floor elevation 0' min/2' max H- Ground story I- Upper story</p> <p>Pedestrian Access J- Entrance facing street K- Entrance spacing along street</p>	<p><i>[delete lines]</i></p> <p>Pedestrian Access G- Entrance facing street H- Entrance spacing along street</p> <p><i>[update illustration to remove letters "G","H","I" and leaders, replace letters "J" with "G" and "K" with "H"]</i></p>
<p>6.1.3.C. Height Encroachment</p>	<p>2. The following accessory structures may exceed the established height of the district, provided they do not exceed the maximum height by more than 6 feet:</p> <ul style="list-style-type: none"> a. Chimney, flue or vent stack; b. Rooftop deck, patio; c. Flagpole; d. Landscaping; e. Skylights; f. Parapet wall; and g. Solar panels, wind turbines and rainwater collection systems. <p>3. The following accessory structures may exceed the established height, provided they do not exceed the maximum height by more than 18 feet, do not occupy more than 25% of the roof area, are screened (see Sec. 8.2.9 <i>[hyperlink]</i>) and are set back at least 12 feet from the edge of the roof:</p> <ul style="list-style-type: none"> a. Elevator or stairway access to the roof; and b. Mechanical equipment. 	<p>2. The following accessory structures may exceed the established height of the district, provided they do not exceed the maximum height by more than 6 feet in RE-, RD-, RU- and RT- zoning districts, or do not protrude above the roofline by more than 6 feet in all other zoning districts:</p> <ul style="list-style-type: none"> a. Chimney, flue or vent stack; b. Rooftop deck, patio; c. Flagpole; d. Landscaping; e. Skylights; f. Parapet wall; and g. Solar panels, wind turbines and rainwater collection systems. <p>3. The following accessory structures may exceed the established height, provided:</p> <ul style="list-style-type: none"> a. They do not exceed the maximum height by more than 18 feet in RE-, RD-, RU- and RT- zoning districts, or do not protrude above the roofline by more than 18 feet in all other zoning districts,

		<p>b. They do not occupy more than 25% of the roof area,</p> <p>c. They are screened (see Sec. 8.2.9 <i>[hyperlink]</i>), and</p> <p>d. The following are set back at least 12 feet from the edge of the roof:</p> <ul style="list-style-type: none"> i. Elevator or stairway access to the roof; and ii. Mechanical equipment.
6.4.2. Protected Neighborhood Transitions Lot Width or Depth Up to 200 Feet	3. Compatible Massing Height: 2 stories/24 feet max	3. Compatible Massing Height: 2 stories/ 24 or 28 feet max, see zoning district requirements
6.4.3. Protected Neighborhood Transitions Lot Width or Depth of 200 Feet and Over	3. Compatible Massing Height: 2 stories/24 feet max	3. Compatible Massing Height: 2 stories/ 24 or 28 feet max, see zoning district requirements
6.7.1.A. Height Bonus RM- Districts Applicability		<i>[remove all references to height in feet from table]</i>
6.7.2.A. Height Bonus Perimeter Center Applicability		<i>[remove all references to height in feet from table]</i>

B. Conceptual Plan

Several large developments consist of a single site with fractioned ownership, where buildings and common spaces function as a whole without regards to property lines. In the past, those were typically governed by a site plan adopted as a condition of zoning. Without such a guiding document (now that most conditions of zoning have been eliminated), there is a need for another tool to ensure cohesive development of larger parcels. Some zoning parameters, such as outdoor amenity space and lot coverage, make more sense when they are considered for the entirety of a project rather than at the individual component level.

The new Code Sec. 6.1.1.A includes a provision that partially addresses this type of project: “3. A development site may include a group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development. With permission from the Director, a development site may be treated as one lot, even though multiple tax parcels are included.” This section however does not take into account an existing multitude of tax parcels (where the site is subdivided prior to the completion of the development) and does not provide qualifying criteria for considering the project as a single lot for the purposes of zoning.

The Conceptual Plan is already defined under Art. 12 – Definitions, yet its use in the permitting process has not been formalized. Staff believes it is a great tool for the purpose at hand and proposes to append its regulations to the preliminary plat, as both documents play a similar role.

Planning Commission Recommendation (10/23/2018)

Motion to Recommend	First, Second	Vote
Approval	Settles, Johns	5-0

Proposed amendments:

Section	Existing	Proposed
Sec. 6.1.1.B.4 Lot Parameters Lot Lines Common Side Lot Line	Any lot line not considered a Primary Street, Side Street or Rear lot line.	a. Any lot line not considered a Primary Street, Side Street or Rear lot line. b. In developments governed by a conceptual plan, there are no common side lot lines internal to the site. See Sec. 11.4.7 [hyperlink]
Sec. 11.4.7.A Preliminary Plat and Conceptual Plan Approval Defined Applicability	A. Defined A preliminary plat means the plan which provides the basis for the Director's approval or	A. Applicability 1. The Director may consider several existing or proposed parcels as a single development project for the purposes of meeting jointly

	disapproval of the general layout of a proposed plat or subdivision.	certain requirements of this Code, upon the following findings: a. The proposed uses are compatible with and complementary to each other, and b. All the parts of the development are interconnected physically by streets, drives, sidewalks or trails; and c. The development is subject to an approved preliminary plat and conceptual plan.
Sec. 11.4.7.B Preliminary Plat and Conceptual Plan Approval Approval by the Director Requirements	<p>B. Approval by the Director</p> <p>1. Upon determination of a complete application, the Director will promptly distribute the application for review by internal City Departments and external agencies.</p> <p>2. If, after the internal and external review, the Director finds that the Preliminary Plat does not meet all the applicable requirements of the Development Code, the Director will notify the applicant in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the Preliminary Plat.</p> <p>3. If, after the internal and external review, the Director finds that the Preliminary Plat meets all applicable requirements of this Development Code, the application will be certified as complying with all applicable requirements of the Development Code.</p> <p>4. The Director has 90 calendar days after submission of the completed Preliminary Plat</p>	<p>B. Requirements</p> <p>1. The review process for the preliminary plat and conceptual plan is the same as for a land disturbance permit.</p> <p>2. The preliminary plat must show all existing and proposed property lines and rights-of-way, building setbacks and build-to zones, buffers, easements and areas associated with each proposed parcel.</p> <p>3.a. The conceptual plan must show all proposed site improvements and identify proposed uses. b. The conceptual plan must be to scale and include all data and dimensions necessary to demonstrate compliance with this Code. The use of exhibits in addition to the site plan are encouraged. c. Primary and side streets must be designated, and their type and frontage (if applicable) must be identified. d. Conceptual grading and stormwater management strategies must be indicated.</p>

	<p>application to approve, approve subject to listed modifications, or deny the Preliminary Plat. This time period may be extended if both the applicant and the Director agree on an extension.</p> <p>5. Approval of a Preliminary Plat does not constitute approval of a Final Plat or a variance or waiver of any requirements of this Development Code. Rather, it is approval of a generalized subdivision layout and is to be used as a guide for the preparation of an application for a Land Disturbance Permit.</p>	<p>e. Construction phasing diagrams must be included, if applicable.</p> <p>f. The submittal must include data demonstrating compliance of the overall site with zoning requirements, in particular, parking, lot coverage, outdoor amenity space, build-to zone and protected neighborhood transition (if applicable).</p> <p>4. The approval of the preliminary plat and conceptual plan does not constitute approval of a Final Plat or a variance or a waiver from any requirements of this Development Code. Rather, it is approval of a generalized subdivision layout and is to be used as a guide for the preparation of an application for a Land Disturbance Permit.</p> <p>5. A traffic impact study may be required before the approval of a conceptual plan.</p> <p>6. The update of the conceptual plan and preliminary plat must proceed in the same manner as the original approval. Such update may be required if the change in the proposed development results in an increase in the size of the building footprint, a reduction in the provision of outdoor amenity space, a change in circulation patterns, or other changes, at the discretion of the Director.</p> <p>4. 7. Should an amendment to the Development Code render the conceptual plan nonconforming, the Director may require an update of the conceptual plan to bring it into compliance.</p>
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Sec. 11.4.9. Action Following Preliminary Approval	Upon approval of a Preliminary Plat, plans and specifications for the installation of improvements required for a Land Disturbance Permit may be prepared and submitted pursuant to Sec. 11.5.1. <i>[hyperlink]</i>	Upon approval of a preliminary plat and conceptual plan , plans and specifications for the installation of improvements required for a land disturbance permit may be prepared and submitted pursuant to Sec. 11.5.1. <i>[hyperlink]</i>
Sec. 11.4.11 Validity of Preliminary Plat and Conceptual Plan	An approved Preliminary Plat expires 2 years after the approval date, unless the applicant as filed a complete application for a Final Plat.	<p>A. An approved preliminary plat expires 2 years after the approval date, unless the applicant has filed a complete application for a final plat.</p> <p>B. An approved conceptual plan expires 2 years after the approval date, unless an LDP has been approved in accordance with the conceptual plan.</p> <p>C. For phased development, the conceptual plan expires 2 years after a certificate of occupancy is issued for a phase, unless an LDP has been approved in accordance with the conceptual plan for the following phase.</p>
Div. 12.2 Conceptual Plan	A drawing that shows the overall concept of a proposed development, which may include lots and streets in a subdivision or the general location of buildings and improvements for a multifamily or nonresidential project. As it relates to the platting process a conceptual plan shall include a scaled drawing in sufficient detail to indicate its workability and feasibility, but is not in final form for recording. The conceptual plan is the first stage in securing a land disturbance permit. See also Preliminary Plat.	A site plan for a proposed development showing the location of improvements, including infrastructure, buildings and common space.
Div. 12.2 Plat, Preliminary	Plat, Preliminary. See Conceptual Plan.	A plat intended to show existing and proposed property lines, in conjunction with a conceptual plan.

C. Cottage Court Pattern

The cottage court pattern was designed to encourage small infill development with common greenspace at its heart. Only single-family homes are currently allowed in this pattern. Staff recommends adding townhouses to the permitted housing type. The courtyard pattern would balance the compactness of townhouses. It has the potential to improve the quality of infill development because, under current Code, townhouses must be served by both a street and an alley, creating double the infrastructure truly necessary – in the cottage court pattern, the courtyard may count as street frontage. The cottage court pattern is allowed in **RU-**, RT-, RM-, RX- and CS- zoning districts.

Because the RU- (Residential Urban) districts were intended for detached single family houses, Council may want to consider restricting the townhouses in the cottage court pattern to the denser districts only.

Planning Commission Recommendation (10/23/2018)

Members of the public expressed concern about the maximum number of attached units (townhouses) and the lot width, as this could result in a higher density than if detached units were built.

Motion	First, Second	Vote
Denial	Porter, Settles	5-0

Proposed amendments:

Section	Existing	Proposed
Div. 6.3. Development Patterns: Cottage Court	Where allowed as a Development Pattern, a cottage court with single unit detached housing may be developed according to the following requirements	Where allowed as a Development Pattern, a cottage court with single unit detached or attached housing may be developed according to the following requirements.
6.3.1 Lot Parameters	E- Lot width 22' min Min number of lots 3 Max number of lots 12	E- Lot width for detached units 22' min Lot width for attached units 16' min Min number of lots 3 Max number of lots for detached units 12 Max number of lots for attached units 18

D. Protected Neighborhood Transition Wall

The Code presently does not account for the need for access points through the required wall for maintenance of the vegetated buffer, such as replacement of dead plant material or removal of invasive vines. Staff believes that an opening every 300' should be amply sufficient for the rare instances where the buffer needs to be accessed.

Planning Commission Recommendation (10/23/2018)

The Council of Neighborhood proposed allowing access through the gates during maintenance activities only and to keep the gates otherwise locked. Staff supports the recommendation and incorporated the amendment to the proposed text below.

Motion to Recommend	First, Second	Vote
Approval, with the addition of a requirement that the gate be locked at all times unless for maintenance in the buffer	Settles, Kelly	5-0

Proposed amendments:

Section	Existing	Proposed
8.2.6.A.2. Neighborhood Transition Buffers Lot Width or Depth up to 200'	Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property (no fence allowed).	Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property (no fence allowed). Openings of no more than 4' in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300' apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.
8.2.6.B.2. Neighborhood Transition Buffers Lot Width or Depth 200' or More	Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property (no fence allowed).	Wall at least 6 feet tall and not more than 8 feet tall located 25 feet from property (no fence allowed). Openings of no more than 4' in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300' apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.

E. Street Blocks and Connectivity

One of the key goals of the Development Code is to increase road connectivity, to create a network of streets to facilitate mobility throughout the city and reduce vehicular congestion. One of the easiest tools to implement is the requirement to provide streets into large developments. Staff proposes amending Div. 10 to clarify and reinforce the requirements for new streets.

Planning Commission Recommendation (10/23/2018)

Motion to Recommend	First, Second	Vote
Approval	Johns, Settles	4-1 Opposed: Nickles

Proposed amendments:

Section	Existing	Proposed
10.3.1 Blocks A. Maximum Block Face	<p>The block standards below are required for all subdivision and major land development permits for sites exceeding the stated block face length. No block face, when measured for the specific development, is allowed to exceed the thresholds of the following table, except as otherwise specified in this Section.</p> <p>Connections to existing roads are strongly encouraged.</p>	<p>The intent of this section is to create additional connectivity for public safety purposes and to alleviate vehicular congestion.</p> <p>The block standards below are required for all subdivision and major land development permits for sites exceeding the stated block face length. No block face, existing or new, when measured for the specific development, is allowed to exceed the thresholds of the following table, except as otherwise specified in this Section.</p> <p>Connections to existing roads are strongly encouraged.</p> <p>The street type and the frontage, if applicable, must be determined by the Director, based on the proposed use and layout.</p>
10.3.1 Blocks	<i>[new subsection]</i>	5. When a newly created street results in a new block face greater than the dimensions

B. Block Measurement		established under Sec 10.3.1.A, additional streets intersecting the new block face are required.
10.3.2 Access Standards	<p>B. Arrangement of Lots</p> <p>When land is subdivided into larger parcels than ordinary building lots, such parcels must be arranged and designed to allow for the opening of future streets and to provide access to those areas not presently served by streets.</p>	<p>B. Type of Improvements</p> <p>If no new street is required per Sec. 10.3.1. Blocks, any development project of at least 3 acres in size, 100,000 sq. ft. in gross floor area, or 25 residential units, whichever is less, or subject to Sec. 11.7.4. Preliminary Plat and Conceptual Plan Approval must provide a street (and not a drive) through the site. The street type and frontage, if applicable, must be determined by the Director, based on the proposed use and layout.</p>

F. Use Standards Update

A few standards associated with specific uses need updating.

Personal care homes would be required to be separated by ¼ mile, regardless of the zoning district, to avoid an institutional atmosphere.

One of the intents of the industrial artisanal use category is to allow makers to operate within the community. The amendment here is to require the premises to be open to the public under certain parameters.

Drive-thrus are restricted under the Development Code, to encourage walkable development rather than patterns focused on vehicular transportation. Recognizing the value of successful existing operations, this amendment would allow drive-thrus to be relocated and/or expanded on a same site.

The height of residential accessory structures may become problematic when they are located near a property line. The current provisions of the Code do not cover the measurement of the height of the façade or element of an accessory structure. This amendment would prescribe the measurement method and ensure that no very tall structures “loom” above neighboring properties.

Planning Commission Recommendation (10/23/2018)

Most of the discussion surrounded the proposed change in regulations for drive-thrus.

To better understand the potential impacts of this amendment, Staff located on a map all the drive-thrus in the City – see below. They include fast food restaurants, coffee shops, pharmacies and banks. Not surprisingly, most of them are concentrated along Roswell Road near I-285 and the Chattahoochee, with a handful near the Atlanta city limit, in the Perimeter districts and Powers Ferry. Some are outparcels to larger developments, others are on distinct parcels of their own. We inventoried 50 active drive-thrus, 29 of them serving food and/or beverage, and 33 are outparcels.

Because most of the traffic flow disruption on streets and in parking lots comes from fast-food restaurants and coffee shops (rather than pharmacies and banks), Staff recommends encouraging the former to become compliant with the Development Code. Parent companies require franchise upgrade every few years, and allowing renovation, relocation and expansion of a drive-thru facility, on a same property, would be beneficial to the restaurant owner and to the City.

In typical suburban development patterns, shopping centers sit far back from the road, surrounded by a large parking lot. Outparcels are often carved out at the edges, where stand-alone buildings are located. Because this kind of development is becoming obsolete in light of the vision established by The Next Ten, Staff proposes allowing food and beverage drive-thrus in outparcels to renovate, relocate and expand within the

development. This will allow for the redevelopment of these old shopping strips while allowing successful restaurants to continue to operate in roughly the same location, but in a better urban form.

Motion	First, Second	Vote
Approval of all	Nickles, Johns	2-3 Opposed: Kelly, Porter, Settles
Friendly amendment for denial of 7.8.3 (drive-thru)	Kelly	Nickles refused the friendly amendment
Approval of 7.3.2, 7.6.1 and 7.8.22.C, but denial of 7.8.3 (drive-thru)	Kelly, Porter	Original vote: 4-1 Opposed: Nickles Rectified vote: 3-2 Opposed: Nickles, Johns

Proposed amendments:

Section	Existing	Proposed
7.3.2. Group Living	Group living includes the following: 1. Boarding/rooming house. 2. Hospice. 3. Institutional residential. 4. Personal care home (up to 4 residents). 5. Personal care home (5+ residents).	Group living includes the following: 1. Boarding/rooming house. 2. Hospice. 3. Institutional residential. 4. Personal care home
7.3.2.E.1.e. Group Living Personal Care Home	e. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the community, each personal care home must be located a minimum of ¼-mile from any other personal care home when located in a Protected Neighborhood.	e. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the community, each personal care home must be located a minimum of ¼-mile from any other personal care home.
7.6.1. Industrial Uses Artisanal	A. Defined A facility for small-scale, craft production, with fewer than 5 employees on premise at any given time. Artisanal includes the following:	A. Defined A facility for small-scale, craft production, with fewer than 5 employees on the premises at any given time. The facility must be open for the sale of products, classes, or other form of interaction

		with the public at least 10 days each month. Artisanal includes the following:
7.8.3. Accessory Uses Drive-Thru Facility	<i>[new subsection]</i>	C. An existing legal nonconforming drive-thru facility may be relocated, renovated and/or expanded within a same development, provided it is associated with a restaurant and located on the outparcel of a larger development. Any modification to a nonconforming drive-thru must be in accordance with the use standards listed above.
7.8.22.C Accessory Structures Height Calculation	<i>[new subsection]</i>	C. Height Calculation. Each façade or element of the accessory structure must comply with the maximum height. The height is measured from the average grade directly adjacent to said façade or element.

G. Bicycle Parking Requirements

After analyzing the requirements for bicycle parking for a private school campus, Staff recommends revising the ratios. Currently, the Code requires 2 short-term spaces per classroom, and 1 long-term space per classroom. According to these figures, the school should provide 174 short-term spaces and 87 long-term spaces for its 87 classrooms. Because classroom sizes vary from one grade to another and from one institution to another, it would be more logical to base the ratio on enrollment.

The State of Georgia sets a maximum classroom size in elementary and middle public schools that varies from 21 to 33 students, depending on the grade. We can presume that older children are more likely than the very young ones to ride bicycles to school. Thus, 2 bicycle parking spaces per classroom – the current requirement – would be approximately one space per 15 children.

Because the student population of private schools comes from a wider area than for a public school, Staff recommends reducing the ratios for private schools by half, to account for the geographic diversity of origins.

The private school studied here houses around 1,350 students this year. If one short-term space were required per 30 students, 45 spaces would be needed. If one long-term space were required per 60 students, 23 spaces would be required across campus.

It is worth noting that only new construction and expansion by 25% or more of existing development require upgrading the parking facilities to the current standards (Sec. 8.1.1)

Private school example:

Type	Existing	Proposed	Difference
Short term	2 spaces/classroom $2 \times 87 = 174$	1 space/30 students $1,350/30 = 45$	129 spaces
Long-term	1 space/classroom $1 \times 87 = 87$	1 space/60 students $1,350/60 = 23$	64 spaces

Planning Commission Recommendation (10/23/2018)

Motion	First, Second	Vote
Approval	Settles, Nickles	5-0

Proposed amendments:

Section	Existing			Proposed		
8.2.1 Required Parking Table Public and Civic Uses		Short-Term Bike Parking (min)	Long-Term Bike Parking (min)		Short-Term Bike Parking (min)	Long-Term Bike Parking (min)
	School, private (k-12)	2 per classroom	1 per classroom	School, private (k-12)	1 per 30 students	1 per 60 students
	School public (k-12)	2 per classroom	1 per classroom	School public (k-12)	1 per 15 students	1 per 30 students

H. Sign Regulations

Through the application of the new sign regulations, two hurdles were identified. The first one relates to crown signs – those large signs placed at the top of buildings that usually bear the name of a major tenant. The 180 sq. ft. maximum area allowed for crown signs is disproportionate for high-rise buildings. Staff suggests increasing the area to 360 sq. ft. for buildings of 10 stories in height or taller and for those facing 400 or 285. The second challenge is the maximum height where a sign can be placed, in particular on multi-story buildings. The amendment would allow posting signs at higher elevations when the building height is conducive to it. Further, the amendment would take into account locations where there is no sidewalk adjacent to the building.

Planning Commission Recommendation (10/23/2018)

A member of the public spoke in opposition, stating the size needed to be better defined, and an attorney spoke in favor of the amendment, noting the need to allow for increased maximum size of crown signs proportionately to the size of the building to ensure visibility.

Motion	First, Second	Vote
Approval	Johns, Kelly	5-0

Proposed amendments:

Section	Existing	Proposed
8.3.9.C. Sign Area Allocation Crown Signs	2. A crown sign must not exceed 180 square feet in area.	2. A crown sign must not exceed 180 square feet in area, unless otherwise stated under Sec. 8.3.12 <i>[hyperlink]</i> .
8.3.2.12. Crown Sign Description	A sign attached to the wall of a building or structure at least 4 stories in height, the display surface of which does not extend more than 2 feet from the outside wall of the building or structure.	A sign attached to the upper portion of the wall of a building or structure at least 4 stories in height. “High visibility facades” refers to the facades of buildings of at least 10 stories in height, clearly visible from at least one direction on SR-400 or I-285, and located on property abutting SR-400 or I-285 right-of-way.
8.3.12.2 Crown Sign General Provisions	2. A crown sign must not be placed below the start of the 4th story.	2. A crown sign must not be placed below the start of the 4th story, and of the 10th story on high visibility facades.
8.3.12. Crown Sign		<i>[insert header and rows below those of “Dimensions”]</i>

Dimensions for High Visibility Facades		A- Area of individual sign (max) 360 SF B- Height (max) 15' Projection – measured from building façade (max) 2' C- Width (max % of façade width) 50%
8.3.16. Wall Sign General Provisions	1. A wall sign must be placed no higher than 24 feet above the sidewalk, measured from the highest point of the sign to the top of the sidewalk below.	1. A wall sign must be placed no higher than 24 feet above average grade adjacent to the wall measured from the highest point of the sign, if the building is one story in height.

I. Impervious Surface Setback Associated with a Stream Buffer

While the purpose of the buffers established to protect the state waters is clearly indicated in the Code, the additional impervious surface setback of 25' is less clear. In many instances, the Director had to make interpretations, in particular for legal nonconforming situations and on activities allowed in the setback. These interpretations are now proposed to be codified.

Planning Commission Recommendation (10/23/2018)

There was discussion about the wording of 9.22.B.3.b. and Staff agreed the sentence could be improved.

Motion	First, Second	Vote
Approval, with restructuration of the sentence of paragraph b on p.25 (9.2.2.B.3.b)	Settles, Johns	5-0

Proposed amendments:

Section	Existing	Proposed
9.2.2 Applicability B. Legal Nonconforming Structures	<p>3. A variance from the requirements of the Sandy Springs portion of any state waters buffer or additional impervious surface setback (see Sec. 9.2.4) is not required for:</p> <p>a. Repair or replacement in kind of any legally approved principal structure located in the buffer or setback that existed prior to December 12, 2005, provided that the footprint of the pre-2005 structure is not exceeded and engineering analysis indicates that no rise in flood elevation will occur. All required permits are still necessary prior to construction.</p> <p>b. Removal of a principal or accessory structure or otherwise reducing the amount of impervious surface in the state waters buffer or the setback, provided the state waters buffer is restored using native vegetation in accordance with revegetation</p>	<p>3. A variance from the requirements of the Sandy Springs portion of any state waters buffer or additional impervious surface setback (see Sec. 9.2.4) is not required for:</p> <p>a. Repair or replacement in kind of any legally approved principal structure located in the buffer that existed prior to December 12, 2005, provided that the footprint of the pre-2005 structure is not exceeded and engineering analysis indicates that no rise in flood elevation will occur. All required permits are still necessary prior to construction.</p> <p>b. Repair or replacement of any legally approved structure or improvement located in the additional 25' impervious surface setback that existed prior to December 12, 2005, provided that the area in square feet of the pre-2005 additional 25' impervious surface is not exceeded, and that</p>

	standards in “Buffer Zone,” starting on page 6-15 of the GSWCC’s Manual for Erosion and Sediment Control in Georgia: 2016 Edition. All required permits are still necessary prior to demolition.	<p>the new surface is not located any closer to the 50’ buffer than the one replaced.</p> <p>b. Repair or replacement of any structure or improvement located in the 25’ impervious setback and approved prior to December 12, 2005, provided that the area of imperviousness in square feet remains the same or is reduced, and that the new structure or improvement is not located any closer to the 50’ buffer than the existing one.</p> <p>c. Removal of a principal or accessory structure or otherwise reducing the amount of impervious surface in the state waters buffer or the setback, provided the state waters buffer is restored using native vegetation in accordance with revegetation standards in “Buffer Zone,” starting on page 6-15 of the GSWCC’s Manual for Erosion and Sediment Control in Georgia: 2016 Edition.</p> <p>d. All required permits are still necessary prior to demolition and/or construction.</p>
9.2.4. Land Development Requirements A. Buffer and Setback Requirements	2. An additional setback is maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover is prohibited. Grading, filling and earthmoving is minimized within the setback. Staff will consider the concept of minimized according to the following criteria: a. Design constraints exist due to the size, shape or topography of the land that render the proposed grading, filling or earthmoving in the	<p>2. All impervious surfaces are prohibited from an additional setback of 25’, measured horizontally from the 50’ undisturbed buffer.</p> <p>a. The purpose of the setback is to prohibit all newly proposed impervious surfaces and to prevent increases in stormwater runoff caused by grading or other land disturbance activities within the impervious surface setback.</p> <p>b. Land development activities in the impervious surface setback may be approved by the Director</p>

	<p>setback as the minimum possible to perform the necessary construction activity; and</p> <p>b. The post-development slope is no greater than 4:1 at any point within the setback, OR post-construction conditions (infiltration and velocity) are comparable to an improvement over the preconstruction conditions.</p>	<p>if they maintain or decrease the existing stormwater runoff rates.</p>
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J. Nonconforming Situations Resulting from Government Action

To accommodate the improvements along the 400 and 285 corridors, many private properties had to part with a portion of their area, resulting, in certain instances, in the creation of nonconforming situations, such as an encroachment into a building setback. This amendment would clarify the impact to the properties following a government action.

Planning Commission Recommendation (10/23/2018)

A member of the public stated the amendment was poorly written and was more than a simple text amendment.

Motion	First, Second	Vote
Approval, with the addition of “through eminent domain or threat of eminent domain” after the words “government acquisition”	Nickles, Settles	5-0

Staff supports the recommendation, but after the words “of real property” as shown in the table below.

Proposed amendment:

Section	Existing	Proposed
Div. 11.7 Nonconformities	<i>[new paragraph, to be placed before Sec. 11.7.1.]</i>	When a structure, site element or lot of record becomes nonconforming as a direct result of government acquisition of real property through eminent domain or threat of eminent such as of right-of-way, said structure, site element or lot of record will be considered conforming. This applies solely to the specific parameters impacted by the government action. The application of the requirements of this Code will be based on the original condition of the property immediately prior to the government action.

K. Clarification on the Applicability of Certain Sections

After using the Code and its amendments for several months, Staff identified a few sections that could use clarification, as they raised frequent interpretation questions.

Planning Commission Recommendation (10/23/2018)

Motion	First, Second	Vote
Approval of all	Settles, Johns	5-0

Proposed amendments:

Section	Existing	Proposed
6.1.1.C. Lot Parameters Primary and Side Street Designation	<i>[new subsection]</i>	3. Where a street, including interstate and other high road classifications, abuts a lot but does not allow for direct access to the lot, that street cannot be considered a primary street.
6.5.2.C. Residential Parking Parking Location	1. No parking pad is allowed in the required front setback. A turnaround extension of no more than 200 square feet is allowed.	1. In required front setbacks, no parking pad is allowed, however a turnaround extension of no more than 200 square feet is allowed.
8.2.10.G Fences and Walls Gates	<i>[new subsection]</i>	4. Stand-alone gates, such as those on a private driveway, must have masonry (brick, stone or stucco) piers on either side.

L. Minor Miscellaneous Corrections

Planning Commission Recommendation (10/23/2018)

Motion	First, Second	Vote
Approval of all, with the replacement of the word “most” by “more” in 7.8.22.A.1. and 7.8.22.B.1	Kelly, Settles	5-0

Proposed amendments:Section	Existing	Proposed
3.3.2.D Residential Townhouses Building Placement	% of building façade in primary street build-to zone	% of building façade in side street build-to zone
4.3.1.A Office Mixed Use (OX-) Lot Parameters	Multi-unit — 7,500 SF min	[removed]
6.1.2.B. Setback Encroachments	<p>a. All setbacks</p> <p>1. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, if such extension is at least 3 feet from the vertical plan of any lot line.</p> <p>2. Chimneys may encroach up to 4 feet into a required setback, if such extension is at least 5 feet from the vertical plan of any lot line.</p> <p>3. Handicap ramps may encroach to the extent necessary to perform their proper function.</p>	<p>a. All setbacks</p> <p>1. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, if such extension is at least 3 feet from the vertical plane of any lot line.</p> <p>2. Chimneys may encroach up to 4 feet into a required setback, if such extension is at least 5 feet from the vertical plane of any lot line.</p> <p>3. Handicap ramps may encroach to the extent necessary to perform their proper function.</p>

	<p>4. Balconies may encroach no more than 10 feet into a required setback, if such extension is at least 5 feet from the vertical plan of any lot line. Balconies are not required to be setback from lot lines in instances where a 0 foot setback is employed.</p> <p>5. Awnings/canopies may extend into a required setback if such extension is at least 3 feet from the vertical plan of any lot line.</p> <p>b. Primary and Secondary Street Setbacks Porches, raised entries, and stoops may encroach no more than 10 feet into a required setback, including steps, if such extension is at least 5 feet from the vertical plan of any lot line.</p> <p>c. Common Side and Rear Setbacks Unenclosed patios, decks, terraces or fire escapes may encroach into a common side or rear setback, provided that such extension is at least 5 feet from the vertical plan of any common side lot line and 10 feet from any rear lot line.</p>	<p>4. Balconies may encroach no more than 10 feet into a required setback, if such extension is at least 5 feet from the vertical plane of any lot line. Balconies are not required to be setback from lot lines in instances where a 0 foot setback is employed.</p> <p>5. Awnings/canopies may extend into a required setback if such extension is at least 3 feet from the vertical plane of any lot line.</p> <p>b. Primary and Secondary Street Setbacks Porches, raised entries, and stoops may encroach no more than 10 feet into a required setback, including steps, if such extension is at least 5 feet from the vertical plane of any lot line.</p> <p>c. Common Side and Rear Setbacks Unenclosed patios, decks, terraces or fire escapes may encroach into a common side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any common side lot line and 10 feet from any rear lot line.</p>
<p>7.3.1.G. – Live/Work</p> <p>7.3.2.B. – Boarding/Rooming House</p> <p>7.3.2.E. – Personal Care Home</p> <p>7.4.1.C. – Place of Assembly</p> <p>7.4.1.D. – Government Facility</p> <p>7.4.1.F.- Place of Worship</p> <p>7.4.1.G. – Prison/Correctional Facility</p> <p>7.4.1.H. – School, Private (K-12)</p>		<p><i>[in each section listed on the left, include the header “Basic Use Standards” below the paragraph titled “Defined” and before the subparagraph starting with “a.”]</i></p>

7.4.2.B – Cemetery/Mausoleum 7.4.2.E. – Golf Course 7.4.2.G. – Subdivision Amenity 7.4.2.I. – Recreational Facility 7.4.4.B. – Alternative Support Antenna Structure and Roof-Mounted Antenna 7.4.4.C. – Amateur Radio Antenna 7.4.4.D. – Tower Antenna 7.5.2. – Animal Care 7.5.5. – Day Care 7.5.10. – Overnight Lodging 7.5.15.D – Fuel Pumps, Gas Station 7.5.16. – Vehicle Sales and Rental 7.6.3. - Light Industrial/Manufacturing 7.6.4.A. – Research and Development 7.6.6. – Vehicle Service and Repair 7.6.7. – Warehouse and Distribution 7.6.8.B. – Recycling Process Center 7.7.1.B. – Community Garden 7.7.1.C. – Commercial Composting 7.7.1.F. – Urban Farm 7.8.2. – Car Wash 7.8.4. – Family Day Care Home 7.8.5. – Farmers Market 7.8.6. – Guest House 7.8.8. – Home Occupation 7.8.9. – Horse Stable, Non-Commercial 7.8.10. – Kennel, Residential 7.8.11. – Livestock Raising 7.8.12. – Outdoor Dining 7.8.14. – Outdoor Storage, Minor 7.8.15. – Outdoor Storage, Major 7.8.16. – Short-Term Rental 7.8.17. – Poultry Raising		
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7.8.18. – Skywalk 7.8.20. – Swimming Pool, Multi-unit 7.8.21. – Unmanned Retail Structure 7.8.22. – Accessory Structures		
7.8.22.A.1. Residential accessory structures, minor	b. Minor residential accessory structures may be located between the main building and an interior side, side street, or rear lot line. Minor residential accessory structures must be a minimum of 10 feet or the required setback, from any property line, whichever is less restrictive.	b. Minor residential accessory structures may be located between the main building and an interior side, side street, or rear lot line. Minor residential accessory structures must be a minimum of 10 feet or the required setback, from any property line, whichever is most more restrictive.
7.8.22.B.1. Residential accessory structures, major	c. Major residential accessory structures shall comply with applicable building setbacks if their footprint exceeds 500 square feet. Major residential accessory structures with a footprint of less than 500 square feet must be a minimum of 10 feet or the required setback, from any property line, whichever is less restrictive	c. Major residential accessory structures shall comply with applicable building setbacks if their footprint exceeds 500 square feet. Major residential accessory structures with a footprint of less than 500 square feet must be a minimum of 10 feet or the required setback, from any property line, whichever is most more restrictive
9.4.2.G.1. Grading Mitigation measures	Any grading in side and rear building setbacks in RE-, RD- and RU- districts, must be mitigated following the measures listed below.	Any grading in side building setbacks in RE-, RD- and RU- districts, must be mitigated following the measures listed below.
9.4.2.G.2. Grading	2. In the side building setbacks	2. In the common side and side street building setbacks

M. Outdoor Amenity Space (OAS)

This section is provided at this time for discussion purposes only. It will be on the Planning Commission agenda for November 27, 2018 and Mayor and Council agenda for December 18, 2018.

With the exception of detached and attached residential units, all development must include a certain amount of space to be used by employees and/or patrons. At this time, 15% of the lot must be dedicated to outdoor amenity space, regardless of the use or size of the property. Because of the numerous variables that could impact the appropriate sizing of the OAS, Staff suggests setting the requirement based on the size of the property.

Lot Size Category	Proposed Required OAS	Example 1	Example 2
Less than 1.0 acre	2%	40,000 sq.ft. lot (0.9a) -> 800 sq.ft. OAS at 2% -> 6,000 sq.ft. OAS at 15%	8,000 sq.ft. lot (0.2a) -> 160 sq.ft. OAS at 2%* -> 1,200 sq.ft. OAS at 15%
1.0-1.9 acres	5%	45,000 sq.ft. lot (1a) -> 2,225 sq.ft. OAS at 5% -> 8,000 sq.ft. OAS at 15%	75,000 sq.ft. lot (1.7a) -> 3,740 sq.ft. OAS at 5% -> 11,250 sq.ft. OAS at 15%
2 acres and greater	10%	90,000 sq.ft. lot (2.1a) -> 9,000 sq.ft. OAS 10% -> 13,500 sq.ft. OAS at 15%	450,000 sq.ft. lot (10.3a) -> 45,000 sq.ft. OAS at 10% -> 67,500 sq.ft. OAS at 15%

*: Must provide 200 sq.ft. because of minimum contiguous area

Proposed amendments:

Section	Existing	Proposed
3.4.1. Residential Multi-Unit (RM-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
3.5.1. Residential Mixed Use (RX-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.2.1. Office Neighborhood (ON-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required

4.3.1. Office Mixed Use (OX-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.4.1. Commercial Mixed Use (CX-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.5.1. Shopfront Mixed Use (SX-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.6.1. Transit Mixed Use (TX-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.7.1. City Springs (CS-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.8.1. Industrial Mixed Use (IX-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
4.9.1. Commercial Corridor (CC-) Lot Parameters - Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
5.2.1 Perimeter Residential (PR-) Lot Parameters – Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
5.3.1. Perimeter Mixed Use, Low/Mid-Rise (PX-) Lot Parameters – Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
5.4.1. Perimeter Mixed Use, High Rise (PX-) Lot Parameters – Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
5.5.1. Perimeter Medical (PM-) Lot Parameters – Coverage	D- Outdoor amenity space 15% min	D- Outdoor amenity space Required
6.1.1.I.	2. Standards	2. Standards

<p>Lot Parameters</p> <p>Outdoor Amenity Space</p>	<ul style="list-style-type: none"> a. Required outdoor amenity space must be provided on the lot and be accessible as outdoor space. A required landscape buffer may not be used to meet the outdoor amenity space requirement. b. Required outdoor amenity space may be enclosed on two sides or less by walls (with or without a solid roof cover) or enclosed on three sides by walls without a solid roof cover. c. Required outdoor amenity space may be located at or above grade. In RM-, RX- and CC- Districts, outdoor amenity space must be located at grade. d. Required outdoor amenity space may be met in one contiguous outdoor area or in multiple outdoor areas on a lot and must have a minimum area of 625 square feet with no dimension less than 25 feet e. Required outdoor amenity space must not be parked or driven upon, except for emergency access and permitted temporary events. f. At least 50% of the total amount of required outdoor amenity space at grade and 25% of required outdoor amenity space above grade must be planted with groundcover, shrubs or trees. For the purposes of this Section, turf grass is not considered groundcover. g. Seating must be provided at the rate of 1 seat for every 500 square feet or fraction of 500 square feet. Seats may be permanent 	<ul style="list-style-type: none"> a. Required outdoor amenity space must be provided on the lot and be accessible as outdoor space. A required buffer may not be used to meet the outdoor amenity space requirement; see paragraph h. below for exceptions. b. Required outdoor amenity space may be enclosed on two sides or less by walls (with or without a solid roof cover) or enclosed on three sides by walls without a solid roof cover. c. Required outdoor amenity space may be located at or above grade. In RM-, RX- and CC- Districts, outdoor amenity space must be located at grade. d. Required outdoor amenity space may be met in one contiguous outdoor area or in multiple outdoor areas on a lot and must have a minimum area of 200 square feet with no dimension less than 10 feet. e. Required outdoor amenity space must not be parked or driven upon, except for emergency access and permitted temporary events. f. At least 50% of the total amount of required outdoor amenity space at grade and 25% of required outdoor amenity space above grade must be planted with groundcover, shrubs or trees. For the purposes of this Section, turf grass is not considered groundcover. g. Seating must be provided at the rate of 1 seat for every 500 square feet or fraction of 500 square feet of required outdoor
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	<p>or movable. Two linear feet of bench or seat wall equals one seat.</p> <p>g. When a path is located in a natural setting (such as a stream buffer) or other greenspace that cannot be used as amenity space in its entirety, the path may count towards the outdoor amenity space area calculation by using a width of 25 feet, multiplied by the length of the path.</p>	<p>amenity space. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat.</p> <p>h. When a path is located in a natural setting (such as a state waters buffer) or other greenspace that cannot be used as amenity space in its entirety, the path may count towards the outdoor amenity space area calculation by using a width of 25 feet, multiplied by the length of the path.</p> <p>j. A multi-unit development of 20 residential units or more must provide a pet relief station at a rate of 5 sq. ft. per unit, up to a maximum of 500 sq. ft.</p> <p>i. The table below provides the requirements for outdoor amenity space (OAS), based on lot size:</p> <table><tr><th>Total Lot Area</th><th>% of Lot as OAS</th></tr><tr><td>Less than 1.0 acre</td><td>2%</td></tr><tr><td>1.0 to 1.9 acres</td><td>5%</td></tr><tr><td>2 acres and greater</td><td>10%</td></tr></table>	Total Lot Area	% of Lot as OAS	Less than 1.0 acre	2%	1.0 to 1.9 acres	5%	2 acres and greater	10%
Total Lot Area	% of Lot as OAS									
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